

340.11 **ARTICLE 18**

340.12 **CRIME VICTIM NOTIFICATION**

340.13 Section 1. Minnesota Statutes 2020, section 253B.18, subdivision 5a, is amended to read:

340.14 Subd. 5a. **Victim notification of petition and release; right to submit statement.** (a)  
340.15 As used in this subdivision:

340.16 (1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes  
340.17 criminal sexual conduct in the fifth degree and offenses within the definition of "crime  
340.18 against the person" in section 253B.02, subdivision 4e, and also includes offenses listed in  
340.19 section 253D.02, subdivision 8, paragraph (b), regardless of whether they are sexually  
340.20 motivated;

340.21 (2) "victim" means a person who has incurred loss or harm as a result of a crime the  
340.22 behavior for which forms the basis for a commitment under this section or chapter 253D;  
340.23 and

340.24 (3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision  
340.25 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal  
340.26 Procedure, rule 20.02, that the elements of a crime have been proved, and findings in  
340.27 commitment cases under this section or chapter 253D that an act or acts constituting a crime  
340.28 occurred or were part of their course of harmful sexual conduct.

340.29 (b) A county attorney who files a petition to commit a person under this section or chapter  
340.30 253D shall make a reasonable effort to provide prompt notice of filing the petition to any  
340.31 victim of a crime for which the person was convicted. In addition, the county attorney shall  
340.32 make a reasonable effort to promptly notify the victim of the resolution of the petition and  
341.1 the process for requesting notification of an individual's change in status as provided in  
341.2 paragraph (c).

341.3 (c) A victim may request notification of an individual's discharge or release as provided  
341.4 in paragraph (d) by submitting a written request for notification to the executive director of  
341.5 the facility in which the individual is confined. The Department of Corrections or a county  
341.6 attorney who receives a request for notification from a victim under this section shall  
341.7 promptly forward the request to the executive director of the treatment facility in which the  
341.8 individual is confined.

341.9 ~~(e)~~ (d) Before provisionally discharging, discharging, granting pass-eligible status,  
341.10 approving a pass plan, or otherwise permanently or temporarily releasing a person committed  
341.11 under this section from a state-operated treatment program or treatment facility, the head  
341.12 of the state-operated treatment program or head of the treatment facility shall make a  
341.13 reasonable effort to notify any victim of a crime for which the person was convicted that  
341.14 the person may be discharged or released and that the victim has a right to submit a written  
341.15 statement regarding decisions of the medical director, special review board, or commissioner  
341.16 with respect to the person. To the extent possible, the notice must be provided at least 14

341.17 days before any special review board hearing or before a determination on a pass plan.  
341.18 Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial  
341.19 appeal panel with victim information in order to comply with the provisions of this section.  
341.20 The judicial appeal panel shall ensure that the data on victims remains private as provided  
341.21 for in section 611A.06, subdivision 4. These notices shall only be provided to victims who  
341.22 have submitted a written request for notification as provided in paragraph (c).

341.23 ~~(d) This subdivision applies only to victims who have requested notification through~~  
341.24 ~~the Department of Corrections electronic victim notification system, or by contacting, in~~  
341.25 ~~writing, the county attorney in the county where the conviction for the crime occurred. A~~  
341.26 ~~request for notice under this subdivision received by the commissioner of corrections through~~  
341.27 ~~the Department of Corrections electronic victim notification system shall be promptly~~  
341.28 ~~forwarded to the prosecutorial authority with jurisdiction over the offense to which the~~  
341.29 ~~notice relates or, following commitment, the head of the state-operated treatment program~~  
341.30 ~~or head of the treatment facility. A county attorney who receives a request for notification~~  
341.31 ~~under this paragraph following commitment shall promptly forward the request to the~~  
341.32 ~~commissioner of human services.~~

341.33 (e) The rights under this subdivision are in addition to rights available to a victim under  
341.34 chapter 611A. This provision does not give a victim all the rights of a "notified person" or  
341.35 a person "entitled to statutory notice" under subdivision 4a, 4b, or 5 or section 253D.14.

342.1 Sec. 2. Minnesota Statutes 2020, section 253D.14, subdivision 2, is amended to read:

342.2 Subd. 2. **Notice of filing petition.** A county attorney who files a petition to commit a  
342.3 person under this chapter shall make a reasonable effort to provide prompt notice of filing  
342.4 the petition to any victim of a crime for which the person was convicted or was listed as a  
342.5 victim in the petition of commitment. In addition, the county attorney shall make a reasonable  
342.6 and good faith effort to promptly notify the victim of the resolution of the ~~petition process~~  
342.7 for requesting the notification of an individual's change in status as provided in section  
342.8 253D.14, subdivision 3.

342.9 Sec. 3. Minnesota Statutes 2020, section 253D.14, is amended by adding a subdivision to  
342.10 read:

342.11 Subd. 2a. **Requesting notification.** A victim may request notification of an individual's  
342.12 discharge or release as outlined in subdivision 3 by submitting a written request for  
342.13 notification to the executive director of the facility in which the individual is confined. The  
342.14 Department of Corrections or a county attorney who receives a request for notification from  
342.15 a victim under this section following an individual's civil commitment shall promptly forward  
342.16 the request to the executive director of the treatment facility in which the individual is  
342.17 confined.

342.18 Sec. 4. Minnesota Statutes 2020, section 253D.14, subdivision 3, is amended to read:

342.19 Subd. 3. **Notice of discharge or release.** Before provisionally discharging, discharging,  
342.20 granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily

342.21 releasing a person committed under this chapter from a treatment facility, the executive  
342.22 director shall make a reasonable effort to notify any victim of a crime for which the person  
342.23 was convicted that the person may be discharged or released and that the victim has a right  
342.24 to submit a written statement regarding decisions of the executive director, or special review  
342.25 board, with respect to the person. To the extent possible, the notice must be provided at  
342.26 least 14 days before any special review board hearing or before a determination on a pass  
342.27 plan. Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the  
342.28 judicial appeal panel with victim information in order to comply with the provisions of this  
342.29 chapter. The judicial appeal panel shall ensure that the data on victims remains private as  
342.30 provided for in section 611A.06, subdivision 4. This subdivision applies only to victims  
342.31 who have submitted a written request for notification as provided in subdivision 2a.

343.1 Sec. 5. Minnesota Statutes 2020, section 611A.039, subdivision 1, is amended to read:

343.2 Subdivision 1. **Notice required.** (a) Except as otherwise provided in subdivision 2,  
343.3 within 15 working days after a conviction, acquittal, or dismissal in a criminal case in which  
343.4 there is an identifiable crime victim, the prosecutor shall make reasonable good faith efforts  
343.5 to provide to each affected crime victim oral or written notice of the final disposition of the  
343.6 case and of the victim rights under section 611A.06. When the court is considering modifying  
343.7 the sentence for a felony or a crime of violence or an attempted crime of violence, the court  
343.8 or its designee shall make a reasonable and good faith effort to notify the victim of the  
343.9 crime. If the victim is incapacitated or deceased, notice must be given to the victim's family.  
343.10 If the victim is a minor, notice must be given to the victim's parent or guardian. The notice  
343.11 must include:

343.12 (1) the date and approximate time of the review;

343.13 (2) the location where the review will occur;

343.14 (3) the name and telephone number of a person to contact for additional information;

343.15 and

343.16 (4) a statement that the victim and victim's family may provide input to the court  
343.17 concerning the sentence modification.

343.18 (b) The Office of Justice Programs in the Department of Public Safety shall develop and  
343.19 update a model notice of postconviction rights under this subdivision and section 611A.06.

343.20 (c) As used in this section, "crime of violence" has the meaning given in section 624.712,  
343.21 subdivision 5, and also includes gross misdemeanor violations of section 609.224, and  
343.22 nonfelony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and 609.749.

343.23 Sec. 6. Minnesota Statutes 2020, section 611A.06, subdivision 1, is amended to read:

343.24 Subdivision 1. **Notice of release required.** (a) The commissioner of corrections or other  
343.25 custodial authority shall make a good faith effort to notify the victim that the offender is to  
343.26 be released from imprisonment or incarceration, including release on extended furlough  
343.27 and for work release; ~~released~~ released and release from a juvenile correctional facility; ~~released~~

343.28 ~~from a facility in which the offender was confined due to incompetency, mental illness, or~~  
343.29 ~~mental deficiency, or commitment under section 253B.18 or chapter 253D;~~ or if the  
343.30 offender's custody status is reduced, ~~if the victim has mailed to the commissioner of~~  
343.31 ~~corrections or.~~ These notices shall only be provided to victims who have submitted a written  
343.32 request for notification to the head of the county correctional facility in which the offender  
343.33 is confined a written request for this notice, or the victim has made if committed to the  
344.1 Department of Corrections, submitted a written request for this notice to the commissioner  
344.2 of corrections or electronic request through the Department of Corrections electronic victim  
344.3 notification system. The good faith effort to notify the victim must occur prior to the  
344.4 offender's release or when the offender's custody status is reduced. For a victim of a felony  
344.5 crime against the person for which the offender was sentenced to imprisonment for more  
344.6 than 18 months, the good faith effort to notify the victim must occur 60 days before the  
344.7 offender's release.

344.8 (b) The commissioner of human services shall make a good faith effort to notify the  
344.9 victim in writing that the offender is to be released from confinement in a facility due to  
344.10 incompetency, mental illness, or mental deficiency, or commitment under section 253B.18  
344.11 or chapter 253D if the victim has submitted a written request for notification to the executive  
344.12 director of the facility in which the individual is confined.

344.13 Sec. 7. **REPEALER.**

344.14 Minnesota Statutes 2020, sections 253D.14, subdivision 4; and 611A.0385, are repealed.